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NASA Procedural Requirements

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Subject: NASA Records Management Program Requirements

Responsible Office: Office of the Chief Information Officer[TOC](#) | [Preface](#) | [Chapter1](#) | [Chapter2](#) | [Chapter3](#) | [Chapter4](#) | [Chapter5](#) | [AppendixA](#) | [AppendixB](#) | [AppendixC](#) |
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Chapter 4. Legal Holds

4.1 Purpose of Legal Holds

4.1.1 This chapter provides NASA requirements concerning the retention of record and nonrecord documents, including Electronically Stored Information (ESI), related to discovery or other litigation-related purposes. A "legal hold" is the procedure for identifying and ensuring the preservation of record and nonrecord materials that are or might become relevant to pending or potential litigation. A legal hold overrides any records retention schedule or any other agency policy that may otherwise call for the transfer, disposal, or destruction of the documents or ESI described in the legal hold until the hold has been removed by the entity that issued the hold.

4.2 Authority to Issue Legal Holds

4.2.1 Numerous situations arise where Government records and nonrecord material may be required for litigation, an administrative procedure, an audit or an investigation, or for response to Congressional and public inquiries. A legal hold may be issued by the following NASA entities:

- a. The Office of the General Counsel (OGC) may issue a legal hold for any documents or ESI within the Agency.
- b. The Office of the Chief Counsel (OCC) for any NASA Center may issue a legal hold for any documents or ESI stored at the Center for which that OCC has responsibility.
- c. The NASA or pertinent Center FOIA Officers may issue a notification of a records hold as required to meet FOIA requirements.
- d. The NASA OIG may issue legal holds in connection with OIG or Government Accountability Office (GAO) financial, performance, contract, or grant audits or in connection with an administrative or criminal investigation conducted by OIG.

4.3 Records and Other Documentary Materials Subject to Holds

4.3.1 Legal holds may be imposed on NASA programmatic and operational records, as well as nonrecord materials, in all media. In case of such holds, often those issuing the hold refer to all relevant information as "records" even though nonrecords are included in the hold.

4.4 Legal Holds Requirements

4.4.1 Entities or individuals receiving legal holds shall comply with the requirements of those legal holds, including guidelines concerning the scope and method of searching for, retaining, or providing materials in response to litigation- or investigation-related requests.

4.4.2 When NASA is required to implement a legal hold relating to discovery or other litigation-related purposes, the OGC or Center OCC shall coordinate with the appropriate Center Records

Manager, and the NASA Records Officer when multiple Centers are involved, to implement preservation and discovery protocols appropriate to the purpose for which the legal hold is instituted and consistent with applicable legal authority.

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